

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

May 14, 2001

LB 465

who asks for assistance and the Attorney General agrees. So that we don't get into a mismatch of legal talent between counties and, let's say, well-heeled special interest groups, I think is an advantage, and that's in the bill at this point. Senator Wickersham and Senator Kristensen are both concerned about the nature of TERC and its attentiveness to legal issues. I was talking to Senator Wehrbein the other day, and I struck on what I think is a fair characterization of the situation that we find ourselves in. If you're on a county board or if you're an assessor, you can now take into effect...take into account a number of different factors when you make decisions and you have some leeway, and frankly I think you can say, um-m, our county is more like this, so within the range of discretion you have, you may...you may use that discretion. One of the things that Senator Kristensen, we used on the floor was a statement by one of the TERC members about, well, what happens when Wal-Mart comes to town and doesn't it affect the Main Street businesses? The truth of the matter is until their either income stream changes or a change in the sales file, depending on what methodology is being used, you couldn't take into account the arrival of a Wal-Mart in a small town. And as Senator Wehrbein said, well, I don't have to wait for that kind of evidence, I know what's going to happen. I know that it's going to have an influence on the values. I know it has an impact in Small Town Nebraska, and I don't have to wait for three years for data, for closings or whatever to know the truth of that situation. A county board would know that, an assessor would know that. A court isn't permitted to know that because it doesn't have evidence, which is where I think we find ourselves with TERC. If the county assessors and the counties are over here, and their ability to look and read the tea leaves and use their discretion to acknowledge what they think is true in Small Town Nebraska, and over here is a court that can only act in the face of a particular kind of evidence, I'd say TERC is someplace in the middle, working hard, doing their best, being as realistic as they can, acknowledging the reality that they know as part of Nebraska, but probably not operating with exactly the kind of attention to only that evidence and information that's directly in front of them, weighed as a judge would weigh it. And I think for that reason, Senator Kristensen and Senator Wickersham are uncomfortable with the way that TERC makes